

only independent claim. Based on the following remarks, Applicants respectfully request that the Examiner reconsider the outstanding rejections, and that they be withdrawn so that the case can quickly pass to allowance.

As noted on the Examiner Interview Summary Record, the rejection of claims 1-11, 28, and 29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,158,952 (“the ‘952 patent”) will be withdrawn. The Examiner has also rejected claims 1-11, 28, and 29 under 35 U.S.C. § 103 as being unpatentable over the ‘952 patent and the Preclinical Research Report R 64766/R76477 (“the Research Report”). Applicants respectfully submit that this rejection cannot properly be maintained for at least the reason that neither the ‘952 patent nor the Research Report disclose or suggest the sustained-release microparticle composition comprising a 1,2-benzazole and a biodegradable and biocompatible polymeric matrix as recited in independent claim 1. Moreover, the sustained-release microparticle composition recited in independent claim 1 is new and nonobvious as evidenced by U.S. Patent No. 5,965,168 that issued on the parent application. As such, Applicants respectfully submit that the method of treating recited in independent claim 1 using the sustained-release microparticle composition is new and nonobvious as well. *See In re Ochiai*, 71 F.3d 1565 (Fed. Cir. 1995); *In re Pleuddemann*, 910 F.2d 823 (Fed. Cir. 1990).

Conclusion

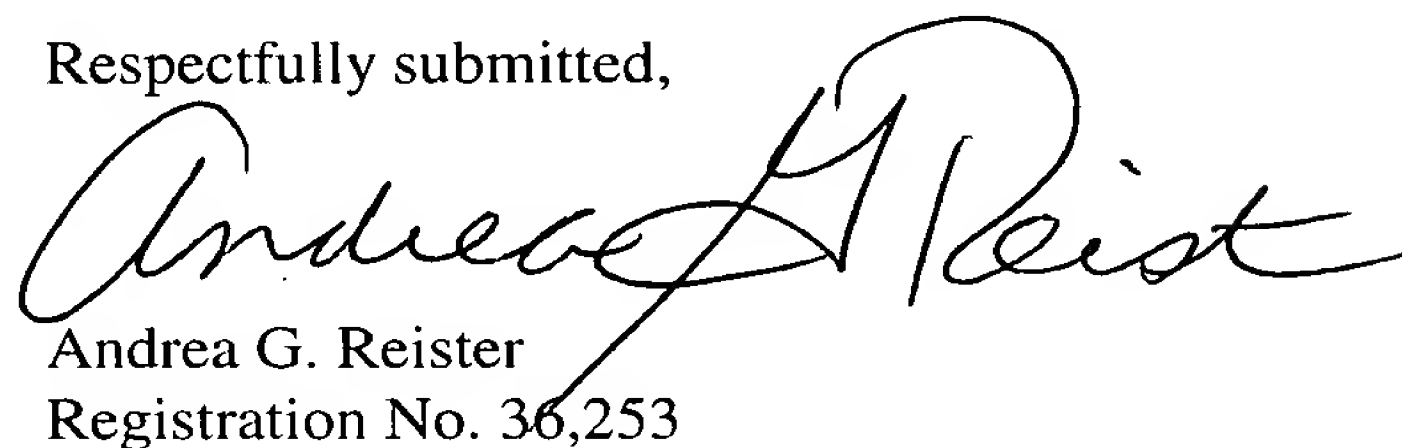
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the

outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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